

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VANCE S. ELLIOT,

No. C 14-80009 RS

Plaintiff,

v.

**ORDER DIRECTING CLERK TO
ISSUE SUMMONS**

THE DEPARTMENT OF VETERANS
AFFAIRS,

Defendant.

Pro se plaintiff Vance Elliot filed a complaint in January 2014 alleging slander against the Department of Veterans affairs. In an order issued January 27, 2014, Elliot's request to proceed in forma pauperis was denied because his complaint was largely illegible. (ECF No. 3). Plaintiff then lodged an amended complaint on February 4, 2014. (ECF No. 4). In an order issued April 2, 2014, (ECF No. 4), Elliot's first amended complaint was dismissed because he failed to plead facts indicating that he exhausted his administrative remedies as required by the Federal Tort Claims Act (FTCA). *See* 28 U.S.C. § 2675(a). The same order granted his request to proceed in forma pauperis.

Elliot has since lodged two additional amended complaints—one on April 16, 2014 (ECF No. 6) and another on April 24, 2014 (ECF No. 7). Although it is far from clear that either complaint states a cognizable claim, it is appropriate that service be effected and defendant be given

1 the opportunity to respond. In light of the prior grant of Elliot's request to proceed in forma
2 pauperis, the Clerk is hereby ordered to issue summons. It is further ordered that the U.S. Marshal
3 for the Northern District of California serve, without prepayment of fees, a copy of the complaint,
4 any amendments, scheduling orders, attachments, plaintiff's affidavit and this order upon the
5 defendant.

6
7 IT IS SO ORDERED.

8
9 Dated: 5/7/14



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

10
11
12
13
14
15 **THIS IS TO CERTIFY THAT A HARD COPY OF THIS ORDER WAS MAILED TO:**

16 Vance S. Elliott
17 640 Eddy Street, #219
18 San Francisco, CA 94109

19 DATED: 5/7/14

20
21 /s/ Chambers Staff
22 Chambers of Judge Richard Seeborg
23
24
25
26
27
28